

EXHIBIT 1 - COMPLAINT

FILED

2020 SEP 16 P 1:54

TIMOTHY W. FITZGERALD
SPOKANE COUNTY CLERK

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

IN AND FOR THE COUNTY OF SPOKANE

MICHAEL BLAKE,

Plaintiff,

v.

HILL-ROM COMPANY, INC.
a foreign for-profit corporation

Defendant.

NO 20202545-32

COMPLAINT FOR DAMAGES
EMPLOYMENT DISCRIMINATION
& WRONGFUL DISCHARGE

COMES NOW the Plaintiff, MICHAEL BLAKE, by and through his attorneys of record
WILLIAM A. GILBERT and GILBERT LAW FIRM, P.S., and allege and complain as follows:

I. PARTIES

1.1 Plaintiff, MICHAEL BLAKE, was at all times relevant hereto over the age of
eighteen (18) years old and residents of Spokane County, Washington.

1.2 Defendants, HILL-ROM COMPANY, INC. ("HILL-ROM") is a foreign for-profit
corporation, headquartered in Chicago, IL, that is duly registered with the Washington Secretary
of State and regularly conducts business in Spokane County, Washington.

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II. JURISDICTION AND VENUE

2.2 Plaintiffs re-allege paragraphs 1.1 through 1.2 as though fully set forth herein.

2.3 Jurisdiction and Venue are proper because:

2.3.1 The amount in controversy exceeds the statutory minimum for this Court;

2.3.2 The Defendant transacts business in Spokane County, Washington, and the cause of action herein arose out of the employment practices of Hill-Rom in Spokane County, Washington.

III. FACTS

3.1 Plaintiffs re-allege paragraphs 1.1 through 2.3 as though fully set forth herein.

3.2 MICHAEL BLAKE, was hired by HILL-ROM for the position of "Service Tech 1" in November, 2018.

3.3 On February 20, 2020, Mr. BLAKE injured his back while moving equipment at work.

3.4 Mr. BLAKE reported the work-place injury to his supervisor and asked for light duty for a period of time to allow him some recuperative time without further strain on the injury site.

3.5 By February 26, 2020, Mr. Blake was in such pain that he asked to be excused to go home and rest and recuperate. He was told to use P.T.O./Sick Leave and was approved to go home by his on-site supervisor.

3.6 Approximately 30 minutes after leaving work, Mr. Blake was called by a supervisor and told he was being terminated.

3.7 As a result of being fired because he reported a work-place injury, and had a disability, Mr. BLAKE has suffered, and continues to suffer economic loss, and emotional distress.

1 HILL-RON is now liable for the damages and injuries suffered by MICHAEL BLAKE as a result
2 of their illegal conduct.

3 **IV. CAUSE OF ACTION FOR UNLAWFUL DISCRIMINATORY / RETALIATORY**

4 **DISCHARGE IN VIOLATION OF RCW 51.48.025**

5 4.1 Plaintiff re-alleges paragraphs 1.1 through 3.7 as though fully set forth herein.

6 4.2 The acts or omissions of the Defendants as set forth herein constitute violations of
7 RCW 51.48.025 which dictates in relevant part: "No employer may discharge or in any manner
8 discriminate against any employee because such employee has filed or communicated to the
9 employer an intent to file a claim for compensation or exercises any rights provided under this
10 title."

11 4.3 As a direct and proximate result of defendant's violation of RCW 51.48.025,
12 Plaintiff has suffered economic and noneconomic damages to be proven at the time of trial.

13 **V. CAUSE OF ACTION FOR UNLAWFUL DISCRIMINATORY / RETALIATORY**

14 **DISCHARGE IN VIOLATION OF 49.60.180**

15 5.1 Plaintiff re-alleges paragraphs 1.1 through 4.3 as though fully set forth herein.

16 5.2 The acts or omissions of the Defendants as set forth herein constitute violations of
17 RCW 49.60.180 which dictates in relevant part: "It is an unfair practice for any employer ... To
18 discharge or bar any person from employment because of age, sex, marital status, sexual
19 orientation, race, creed, color, national origin, honorably discharged veteran or military status, or
20 the presence of any sensory, mental, or physical disability or the use of a trained dog guide or
21 service animal by a person with a disability."

22 5.3 As a direct and proximate result of defendant's violation of RCW 49.60.180,
23 Plaintiff has suffered economic and noneconomic damages to be proven at the time of trial.

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VI. VICARIOUS LIABILITY

6.1 Plaintiff re-alleges paragraphs 1.1 through 5.3 as though fully set forth herein.

6.2 Defendant, HILL-ROM, is liable for the negligent acts or omissions of its employees through the doctrine of Respondeat Superior.

VII. PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that the Court order the following relief and remedies:

7.1 Actual damages, compensatory, economic and noneconomic damages;

7.2 Attorneys' fees, costs, liquidated damages, and any other relief available pursuant to RCW 49.60.030(2), and any other applicable state and federal law;

7.3 Prejudgment interest;

7.4 Such other and further relief as the court deems just, equitable and proper;

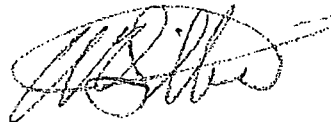
Plaintiff further reserves the right to amend this complaint and causes of action against the Defendants based upon further discovery and determination of all factual and legal issues arising from the negligent acts of the Defendants.

VIII. DEMAND FOR TRIAL BY JURY

8.1 Plaintiff hereby demands this action be tried to a jury pursuant to Washington law, and state and local court rules.

SIGNED this 15th day of September, 2020.

GILBERT LAW FIRM, P.S.



William A. Gilbert, WSBA #30592
Attorney for Plaintiff